

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MOHAMED JOHN AKHTAR AND LA BUCA
RESTAURANT, INC.,

Plaintiffs,

23-CV-06585 (JGLC) (VF)

-against-

ORDER

ROHIT AGGARWALA et al.,

Defendants.

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VALERIE FIGUEREDO, United States Magistrate Judge:

On February 19, 2024, Plaintiffs’ counsel filed a letter requesting an extension of time for Plaintiffs to file their response in opposition to the pending motion to dismiss. See ECF No. 49. In that letter, which was not filed under seal and does not contain any viewing restrictions, Plaintiffs’ counsel did not give a reason for the extension request and stated that “[c]onsistent with [HIPAA],” he would file a separate letter explaining the basis for his request. Id. That same day Plaintiffs’ counsel filed a letter (under seal and viewable only to Court users and Plaintiffs) explaining the grounds for his extension request. See ECF No. 50. On March 8, 2024, pro se Defendant Eric Eisenberg filed a letter requesting that the letter at ECF No. 50 be unsealed and that all viewing restrictions be removed. See ECF No. 57.

Plaintiffs’ counsel cited broadly to HIPAA as the basis for sealing the letter at ECF No. 50. That by itself is not a sufficient basis for sealing the letter. Plaintiffs’ counsel was therefore directed to submit any renewed request to seal his letter at ECF No. 60 that made a sufficient showing under by no April 5, 2024. However, on April 5, 2024, Plaintiffs’ counsel filed a letter motion rescinding his motion to seal ECF No. 50. See ECF No. 61.

In a separate letter, Plaintiffs' counsel requested another extension of time for Plaintiffs to file their response in opposition to the pending motion to dismiss. See ECF No. 63. The letter states that the City Defendants do not oppose the extension request, but Defendant Eric Eisenberg filed a letter opposing the request. See ECF No. 64. The extension requested by Plaintiffs' counsel is hereby granted. **The deadline for Plaintiffs to file their opposition is now April 17, 2024. Any replies from Defendants are now due May 1, 2024.**

Lastly, in one of his letters, Plaintiffs' counsel also requested the Court amend the scheduled telephonic conference to an in-person meeting to aid settlement discussions. See ECF No. 61. The Court directs the Parties to the Court's previous Order to clarify that this scheduled conference is a pre-settlement conference, which will be an informal call to discuss the Parties' stance on settlement discussions and to schedule the settlement conference, which will occur in person. See ECF No. 60 The pre-settlement conference call to discuss the potential for a settlement conference thereby remains scheduled for **Tuesday, April 30, 2024 at 10:00 a.m.** Counsel for the parties are directed to call Judge Figueredo's AT&T conference line at the scheduled time. **Please dial (888) 808-6929; access code [9781335].**

The Clerk of Court is respectfully directed to terminate the Motions at ECF Nos. 57, 61, 63, and 65. Additionally, the Clerk of Court is respectfully directed to remove the viewing restrictions on ECF No. 50.

SO ORDERED.

DATED: New York, New York
April 11, 2024



VALERIE FIGUEREDO
United States Magistrate Judge